### CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450,

Date: February 6, 2007 Name: C. Noel Kaman, Reg. No. 51,857 Signature:

BRINKS HOFER GILSON &LIONE

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Brovelli, et al.

Appln. No.:

10/774.092

Filed:

APR 16 2007

February 6, 2004

METHOD OF AUGMENTING THE **IMMUNE-MODULATORY ACTIVITY OF** 

STANDARDIZED ECHINACEA

**PREPARATIONS** 

Attorney Docket No:

3086/1734 (AM1150)

Mail Stop Amendment **Commissioner for Patents** P. O. Box 1450 Alexandria, VA 22313-1450

TRANSMITTAL

Examiner: Leith

Art Unit: 1655

| Sir: |  |
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| Atta | ched | is/are: |
|------|------|---------|
|      |      |         |

Amendment and Request for Reconsideration 図

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#### Fee calculation:

| No additional | fee | is | required. |
|---------------|-----|----|-----------|
|---------------|-----|----|-----------|

Small Entity.

An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).

A petition or processing fee in an amount of \$\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_).

An additional filing fee has been calculated as shown below:

|           |                                     |           | Sma                                | all Entity       |         | Not a Small Entity |    |          |           |
|-----------|-------------------------------------|-----------|------------------------------------|------------------|---------|--------------------|----|----------|-----------|
|           | Claims Remaining<br>After Amendment |           | Highest No.<br>Previously Paid For | Present<br>Extra | Rate    | Add'l Fee          | or | Rate     | Add'l Fee |
| Total     |                                     | Minus     |                                    |                  | x \$25= |                    |    | x \$50=  |           |
| Indep.    |                                     | Minus     |                                    |                  | x 100=  |                    |    | x \$200= |           |
| First Pre | sentation of Multiple De            | ep. Claim | l                                  |                  | +\$180= |                    |    | + \$360= |           |
|           |                                     |           |                                    |                  | Total   | \$                 |    | Total    | \$        |

| ree payment | Ľ |
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| ш | A check in the amount of \$ | _ is enclosed. |
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П Please charge Deposit Account No. 23-1925 in the amount of \$ for this purpose.

A copy of this Transmittal is enclosed

Payment by credit card in the amount of \$\_\_\_\_ (Form PTO-2038 is attached).

The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 Ø and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

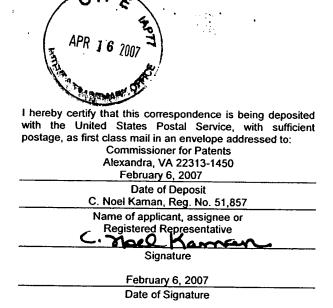
Respectfully submitted.

February 6, 2007

Date

C. Noel Kàman (Reg. No. 51,857)

**BRINKS HOFER GILSON & LIONE** 



Our Case No. 3086-1734

AM1150

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| In re Application of:   | )                         |
|---|---------------------------|
| Brovelli et al.   | )<br>)                    |
| Serial No. 10/774,092   | ) Examiner Leith          |
| Filing Date: February 6, 2004   | ) Group Art Unit No. 1655 |
| For: METHOD OF AUGMENTING THE IMMUNE-MODULATORY ACTIVITY OF STANDARDIZED ECHINACEA PREPARATIONS | )<br>)<br>)<br>)          |

## **AMENDMENT AND REQUEST FOR RECONSIDERATION**

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In response to the Office action mailed December 14, 2006, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of the claims, which begins on page 2 of this paper.

Remarks / Arguments begin on page 5 of this paper.